

**UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MASSACHUSETTS**

ARGHAVAN LOUHGHALAM and  
MAZDAK POURABDOLLAH TOOTKABONI

*Plaintiff-Petitioners,*

FATEMEH YAGHOUBI MOGHADAM,  
BABAK YAGHOUBI MOGHADAM,  
ALI SANIE, ZAHRASADAT MIRRAZI  
RENANI, LEILY AMIRSARDARY, and  
OXFAM AMERICA, INC.

*Plaintiffs,*

and

No.17.cv-10154-NMG

COMMONWEALTH OF MASSACHUSETTS  
and UNIVERSITY OF MASSACHUSETTS,

*Plaintiff-Intervenors,*

v.

DONALD TRUMP, President of the United  
States; U.S. DEPARTMENT OF HOMELAND  
SECURITY (“DHS”); U.S. CUSTOMS AND  
BORDER PROTECTION (“CBP”); JOHN  
KELLY, Secretary of DHS; KEVIN K.  
MCALEENAN, Acting Commissioner of CBP;  
and WILLIAM MOHALLEY, Boston Field  
Director, CBP,

*Defendants.*

**DECLARATION OF ERIC S. LANDER**

I, Eric S. Lander, hereby declare and affirm,

1. I hold the position of President and Director at The Broad Institute, Inc. (the “Broad Institute”), a Massachusetts non-profit corporation with offices at 415 Main Street in Cambridge, Massachusetts. I have held this position since July 1, 2004.

2. I have personal knowledge of the matters set forth below. Personnel within the Broad Institute human resources and legal departments assisted in gathering information related to these matters.

3. The Broad Institute is a biomedical research institution that works in close collaboration with Massachusetts Institute of Technology ("MIT"), Harvard University and Harvard-affiliated hospitals including the Beth Israel Deaconess Medical Center, Brigham and Women's Hospital, Boston Children's Hospital, Dana-Farber Cancer Institute and Massachusetts General Hospital (together, "Affiliates"). The Broad Institute is focused on advancing the scientific understanding and treatment of diseases, including cancer, diabetes, cardiovascular disease, psychiatric disorders and infectious diseases, and the dissemination of scientific knowledge to the scientific community worldwide.

4. The Broad Institute's scientific community includes over three thousand (3,000) scientists from the Broad Institute and its Affiliates working in an integrated research environment to gain a comprehensive view of the human genome and of biological systems, for the purposes of improving human health. These scientists work across many research disciplines, including molecular biology, chemistry, medicine, computer science, mathematics and engineering. All are engaged in the goal of addressing global medical challenges and accelerating discovery efforts related to the world's most serious diseases. The Broad Institute has created an inclusive community of scientists across sex, race, ethnicity, national origin, sexual orientation, age, and gender identity.

5. Scientists employed by the Broad Institute need to be able to travel internationally to attend meetings and conferences in order to exchange information and research, and engage in studies that further the development of life-saving treatments.

6. The Broad Institute regularly engages with the international medical community through participation in collaborative research projects, the hosting of seminars, and other conversations and activities critical to the work of the Broad Institute and the international medical community. The Broad Institute's scientists engage daily in collaborations with dozens of international partners, and their work is specifically designed to transcend borders in furtherance of the Broad Institute's ground-breaking work.

7. The Broad Institute continually seeks to employ or affiliate with scientists, physicians, engineers and other professionals who are leaders in their fields, some of whom live outside the United States and come from the seven affected countries.

8. At least eight (8) of the scientists directly employed by the Broad Institute in the Boston area are employed pursuant to work visas and have countries of origin listed in the January 27, 2017 Executive Order (the "Executive Order"), entitled "Protecting the Nation from Terrorist Entry into the United States," namely: Syria, Iraq, Iran, Somalia, Sudan, Libya, and/or Yemen (the "seven affected countries"). The Broad Institute also directly employs at least fifty-seven (57) legal permanent residents who may be subject to the terms of the Executive Order, as well as persons who possess dual-citizenship in countries affected by the Executive Order whose immigration status is now in question. Further, a significant number of scientists employed by the Broad Institute's Affiliates may also be subject to the terms of the Executive Order.

9. At least two (2) individuals from the seven affected countries were about to begin employment at the Broad Institute or the Broad Institute and one of its Affiliates at the time the Executive Order was signed, and may no longer be able to obtain work visas. One postdoctoral research scientist, a citizen of one of the seven affected countries, has an H-1B visa application pending to allow him to continue his scientific endeavors at the Broad Institute. During the

pendency of his application, he has been unable to earn any income, causing significant financial hardship to him and his family. He and his family now face significant uncertainty as a result of the Executive Order.

10. Enforcement of the Executive Order already has caused Broad Institute scientists injury, and will continue to do so. The scientists affected by the Executive Order are prohibited from traveling abroad in furtherance of their scientific research and the work of the Broad Institute and the medical and scientific community, and they are also prohibited from returning to their home countries to visit friends and family. These injuries make the scientists' sustained presence in the United States difficult.

11. The Broad Institute's work will be severely impaired should its scientists be prevented from traveling internationally because they would be unable to freely exchange ideas and work with the Broad Institute's many collaborators outside of the United States. The Broad Institute will suffer serious injury to its ability to be a creative and catalytic force for worldwide research and the discovery of potential treatments and cures for a broad range of serious diseases should the Executive Order be applied to its employees and affiliated scientists.

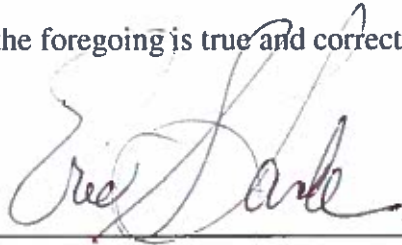
12. The Broad Institute is already directly negatively impacted by the Executive Order because it is actively recruiting three (3) scientists from the seven affected countries who work in areas including machine learning and topological quantum matter. It is very difficult to find qualified candidates in these fields, which are increasingly critical to the Broad Institute's mission.

13. Enforcement of the Executive Order has caused, and will continue to cause, the Broad Institute injury by, among other things, causing administrative and logistical burdens; depriving the Broad Institute's employees and affiliates of their protected ability to speak with

and hear from scientists and other professionals critically important to their research; depriving the Broad Institute of its ability to recruit and hire talented scientists and professionals from the seven affected countries; and frustrating the Broad Institute's organizational mission to accelerate the pace at which the world conquers disease and drive global scientific progress in biomedicine, including advancing research to understand and treat cure cancer, infectious diseases and other life-threatening diseases.

[The remainder of this page is intentionally left blank. Signature page follows.]

I declare under penalty of perjury that the foregoing is true and correct.

A handwritten signature in black ink, appearing to read "Eric Lander", is written over a horizontal line.

Eric S. Lander  
President and Director

Executed this 2<sup>nd</sup> day of February, 2017